



भारत का राजपत्र The Gazette of India

असाधारण

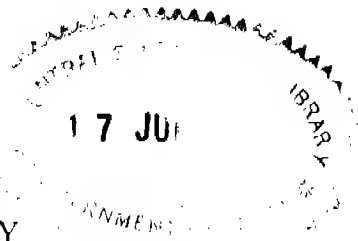
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्रधिकार से प्रकाशित

PUBLISHED BY AUTHORITY



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No. 27] NEW DELHI, WEDNESDAY, MAY 14, 1969/VAISAKHA 24, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 14th May, 1969:—

Bill No. 44 of 1969

A Bill to provide for the discharge of the functions of the President in certain contingencies.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the President (Discharge of Functions) Act, 1969.

Short title.

2. In this Act, "President", "Vice-President" and "Second Schedule" shall mean the President of India, the Vice-President of India and the Second Schedule to the Constitution respectively.

Definitions.

3. (1) In the event of the occurrence of vacancies in the offices of both the President and the Vice-President, by reason in each case of death, resignation or removal, or otherwise, the Chief Justice of India or, in his absence, the seniormost Judge of the Supreme Court of India available shall discharge the functions of the President until a new President elected in accordance with the provisions of the Constitution to fill the vacancy in the office of the President enters upon his office or a new Vice-President so elected begins to act as President under article 65 of the Constitution, whichever is earlier.

Discharge of President's functions in certain contingencies.

(2) When the Vice-President, while discharging the functions of the President, dies, resigns or is removed or otherwise ceases to hold office,

the Chief Justice of India or, in his absence, the seniormost Judge referred to in sub-section (1) shall discharge the said functions until the President resumes his duties or a new Vice-President is elected as aforesaid, whichever is earlier.

(3) When the Vice-President,—

(a) while acting as President, or

(b) while discharging the functions of the President,

is unable to discharge the functions of the President owing to absence, illness or any other cause, the Chief Justice of India or, in his absence, the seniormost Judge referred to in sub-section (1) shall discharge the said functions—

(i) in the case referred to in clause (a), until a new President elected as aforesaid enters upon his office or until the Vice-President acting as President resumes his duties, whichever is earlier;

(ii) in the case referred to in clause (b), until the President resumes his duties, or the Vice-President resumes his duties, whichever is earlier.

(4) The person discharging the functions of the President under this section shall, during, and in respect of, the period while he is so discharging the said functions, have all the powers and immunities of the President and be entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and, until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule.

STATEMENT OF OBJECTS AND REASONS

Under article 70 of the Constitution, Parliament may make such provision as it thinks fit for the discharge of the functions of the President in any contingency not provided for in Chapter I of Part V of the Constitution. Article 65 provides for the Vice-President acting as President or discharging his functions during casual vacancies in the office, or during the absence, of the President. The Constitution does not provide for cases where a vacancy occurs in the office of the Vice-President or where the Vice-President is unable to discharge his functions while acting as President or discharging the functions of the President. Government, therefore, consider it necessary to make provision to cover such cases. The Bill accordingly seeks to provide that in such cases, the Chief Justice of India or, in his absence, the seniormost Judge of the Supreme Court available shall discharge the functions of the President.

NEW DELHI;
The 10th May, 1969.

Y. B. CHAVAN.

RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION
OF INDIA

[Copy of letter No. 22|10|69.POL.I(A) dated the 14th May, 1969, from Shri Y. B. Chavan, Minister for Home Affairs to the Secretary,, Lok Sabha].

The Vice-President acting as President having been informed of the subject matter of the proposed Bill recommends under Article 117(1) and (3) of the Constitution of India the introduction of the President (Discharge of Functions) Bill 1969 to the Lok Sabha and also recommends to the Lok Sabha the consideration of the Bill.

FINANCIAL MEMORANDUM

Under sub-clause (4) of clause 3 of the Bill, the person discharging the functions of the President under that clause shall, during the period while he is so discharging the said functions, be entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule to the Constitution. In situations contemplated in sub-clauses (1) and (2) of clause 3, since both the offices of the President and the Vice-President will be vacant, no additional expenditure will be involved by reason of the Chief Justice of India or, in his absence, the seniormost Judge of the Supreme Court available discharging the functions of the President. Under sub-clause (3) of clause 3, however, there will be additional expenditure on account of the Chief Justice or the seniormost Judge of the Supreme Court discharging the functions of the President when the Vice-President is unable to discharge those functions. It is not possible to give a precise estimate of the additional expenditure involved but the expenditure on this account is not likely to exceed Rs. 30,000 in any year in which such contingency arises. There will be no non-recurring expenditure.

S. L. SHAKDHER,
Secretary.